

3752



**PATENT**  
Attorney Docket No. 209172  
Client Reference No. SPRD PA 22 jg

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Roland Feller  
Ernst Steinhilber

Application No. 09/785,962

Filed: February 16, 2001

For: CLEANING NOZZLE

Art Unit: 3752

Examiner: Kim, Christopher S.

*Ext of time  
#6 Election  
3/9/02  
D Brewer*

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

RECEIVED  
DEC - 6 2002  
TECHNOLOGY CENTER 3752

12/09/2002 JELLIOTT 00000005 121216 09785962  
01 FC:1251  
In response to the Office Action dated October 2, 2002, applicant hereby provisionally elects the species of Group A (Figure 1) for prosecution subject to allowance of a generic claim. All claims are believed to be readable on that species.

Subject to the provisional election, applicant hereby respectfully requests reconsideration of the requirement. While the inventions of the indicated species may be independent and distinct, the available evidence indicates that the restriction requirement is inappropriate and that the Examiner has not set forth a prima facie case in support of the restriction requirement.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (i) the inventions must be independent or distinct as claimed, and (ii) there must be a serious burden on the Examiner if restriction is not required. M.P.E.P. § 803. Consequently, as set forth in M.P.E.P. § 803: "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

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In this case, it is believed that a thorough and comprehensive search conducted by the Examiner of claims of either Group would include the same areas of search regardless of primary classification. The "serious burden" test for restriction would not appear to be present.

Accordingly, it is requested that the requirement for restriction be withdrawn.

Respectfully submitted,



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Date: November 26, 2002

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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO REQUIREMENT FOR RESTRICTION and any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: November 26, 2002 William H. Paul Nagler